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SWEET PEOPLE APPAREL, INC., dba
7 MISS ME

8 **UNITED STATES DISTRICT COURT**

9 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

10 SWEET PEOPLE APPAREL, INC.,
dba MISS ME, a California corporation,

11 Plaintiff,

12 v.

13 GRACING INC. dba GRACE IN LA, a
14 California corporation; and DOES 1-10,
inclusive,

15 Defendants.
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CASE NO.

COMPLAINT FOR:

- (1)-(7) Copyright Infringement in Violation of 17 U.S.C. § 501 (Claims For Relief 1-7);
- (8) Trademark Infringement and Counterfeiting in Violation of 15 U.S.C. §§ 1114 and 1125(a);
- (9) Trademark Dilution in Violation of 15 U.S.C. § 1125(c);
- (10) Trade Dress Infringement in Violation of 15 U.S.C. 1125(a);
- (11) Trade Dress Dilution in Violation of 15 U.S.C. 1125(c);
- (12) False Designation of Origin in Violation of 15 U.S.C. § 1125(a);
- (13) California Trade Dress Dilution in Violation of Cal. Bus. & Prof. Code § 14200; AND
- (14) Violation of California Business & Professions Code § 17200, et seq.

IDEMAND FOR JURY TRIAL

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1 Plaintiff Sweet People Apparel, Inc. dba Miss Me (“Plaintiff” or “Sweet
2 People”) alleges in this complaint against Defendant Gracing Inc. dba Grace in LA
3 (“Defendant” or “Grace in LA”) and DOES 1-10, as follows:

4 **NATURE OF THE ACTION**

5 1. This lawsuit seeks to recover damages from Defendant for blatantly
6 and unlawfully misappropriating Plaintiff’s valuable copyright, trademark, and trade
7 dress rights; and to enjoin any further misappropriation, infringement and theft.

8 2. Grace in LA has copied the same style, look, and feel of Sweet
9 People’s celebrated MISS ME brand jeans to sell its own lower quality, knock-off
10 jeans. Grace in LA’s inferior imitation of Sweet People’s MISS ME jeans was
11 deliberate and intended to piggyback off of the enormous popularity, goodwill, and
12 success of Sweet People’s highly recognizable and valuable design.

13 3. Grace in LA has willfully, deliberately and systematically targeted
14 Sweet People, and has infringed on a number of Sweet People’s most distinctive and
15 popular designs—used on and in connection with their highly successful lines of
16 jeanswear products. After Sweet People spent substantial resources in promoting
17 and selling jeanswear products containing such designs, and after consumers had
18 come to recognize such designs and associate them exclusively with Sweet People,
19 Grace in LA introduced jeanswear products using virtually identical designs. This
20 conduct was in bad faith, was undertaken without Plaintiff’s consent and was done
21 by Defendant deliberately so that it could pawn off Plaintiff’s goodwill.

22 4. Sweet People seeks injunctive relief and damages against Defendant for
23 copyright infringement, trademark infringement and dilution, trade dress
24 infringement and dilution, counterfeiting, false designation of origin and unfair
25 competition in violation of the laws of the United States and the State of California.

26 **SUBJECT MATTER JURISDICTION AND VENUE**

27 5. This action arises under the Lanham Act, 15 U.S.C. §§ 1114 and
28 1125(a), and the Copyright Act of 1976, as amended, 17 U.S.C. § 101 *et seq.*, for

1 copyright infringement, trademark infringement and dilution, trade dress
2 infringement and dilution, false designation or origin, counterfeiting, and unfair
3 competition, under federal law, common law and California law.

4 6. This Court has jurisdiction over the subject matter of this action under
5 28 U.S.C. §§ 1338(a), 1338(b), and 15 U.S.C. § 1121. This Court has supplemental
6 subject matter jurisdiction over Sweet People's remaining state law and common
7 law claims under 28 U.S.C. § 1367(a) because the state law and common law claims
8 are so related such that they form part of the same case or controversy.

9 **PERSONAL JURISDICTION AND VENUE**

10 7. This Court has personal jurisdiction over Defendant because it is
11 incorporated in California, conducts business in California and because it has
12 committed acts of trademark infringement, passing off, counterfeiting and unfair
13 competition in California.

14 8. Venue is proper in this district under 28 U.S.C. §§ 1391(b), (c), and (d)
15 and 1400(a) because Defendant has offices located in this district, conducts a
16 substantial amount of business in this district and a substantial amount of the events
17 or omissions giving rise to Sweet People's claims occurred in this district.

18 **THE PARTIES**

19 9. Plaintiff Sweet People is a corporation duly organized and existing
20 under the laws of the State of California, and maintains its principal place of
21 business at 4715 S. Alameda Street, Los Angeles, California 90058. Sweet People
22 conducts a substantial amount of business in California, including under its
23 trademark MISS ME's brand (U.S. Trademark Registration No. 6,624,989).

24 10. Upon information and belief, Defendant Grace in LA is a corporation
25 duly organized and existing under the laws of the State of California, and maintains
26 its principal place of business within this judicial district at 5314 3rd Street
27 Irwindale, CA 91706.

28 11. Plaintiff is ignorant of the true names, capacities, relationships and

1 extent of participation in the conduct herein alleged of the Defendants sued herein as
2 DOES 1 through 10, inclusive, but on information and belief allege that said
3 Defendants are legally responsible to them. Plaintiff will amend this complaint to
4 allege the true names and capacities of the Doe Defendants when ascertained.

5 **FACTUAL ALLEGATIONS**

6 **A. Sweet People's Business**

7 12. Sweet People manufactures, promotes, sells and distributes high-quality
8 jeanswear and denim products throughout the United States, including in this
9 judicial district, under the MISS ME brand name. Sweet People's line of MISS ME
10 brand jeanswear products are sold at retail by such well-known fashion retailers and
11 department stores as Macy's, Boot Barn, Dillard's, Cavender's, and The Buckle,
12 both in-store and online. Sweet People also sells its MISS ME jeans through its
13 website: <https://www.missme.com>.

14 13. Since its establishment in 2001, Sweet People's MISS ME brand jeans
15 have gained a significant following and maintain a strong presence, particularly in
16 "western" clothing retailers. Due to its popularity, Sweet People's MISS ME
17 jeanswear has received extensive media coverage and has appeared in numerous
18 widely circulated fashion magazines, including *In Style*, *Elle*, *Glamour*, *Lucky*, *944*
19 *Magazine*, *Harper's Bazaar*, *Lucky*, *Teen Vogue*, and *Nylon*. In addition, celebrities
20 such as Miley Cyrus, Paris Hilton, Cameron Diaz, and Beyonce have been
21 photographed wearing MISS ME jeanswear in public.

22 14. Among the many elements that identify MISS ME brand jeanswear
23 products and distinguish them from the products of Sweet People's competitors are
24 its unique and distinctive "western" designs that are embroidered onto and/or
25 otherwise affixed to the back pockets of its jeanswear products. Consumers
26 specifically identify the embellished back-pocket with "western" design themes as a
27 distinctive feature of the MISS ME brand and use it to distinguish MISS ME brand
28 jeans from its competitors. Such designs are used repeatedly by Sweet People on its

1 MISS ME brand of jeanswear products, and have come to exclusively identify
2 Sweet People as the source of such products.

3 **B. Sweet People's Protected Designs**

4 15. Among Sweet People's most important assets are the intellectual
5 property rights it owns in the unique and distinctive designs used on and in
6 connection with its MISS ME line of jeanswear products. Such designs, which are
7 subject to copyright, trademark, or trade dress protection, include Sweet People's
8 Sparkle Cross Design, Beaded Cross Design, Feathered Dreamcatcher Design, Cross
9 Roads Diamond Design, Feathered Sequins Design, Wingspan Design, Feather
10 Embroidery Design, and Embellished Horseshoe Design. These designs are
11 discussed below.

12 **C. Sweet People's Copyrighted Designs**

13 16. Sweet People holds copyright registrations for its various embellished
14 "western" style back-pocket designs. The copyrights protect the unique and
15 innovative designs the company uses on and in connection with its MISS ME brand
16 of jeanswear products.

17 **Sweet People's Sparkle Cross Design Copyright**

18 17. Sweet People owns U.S. Copyright Registration No. VA-1-716-852,
19 effective as of May 26, 2010, for its Sparkle Cross Design (the "Sparkle Cross
20 Design Copyright"). A copy of the registration certificate for Sweet People's
21 Sparkle Cross Design Copyright along with an image of the Sparkle Cross Design as
22 used by Sweet People on its MISS ME line of jeanswear products is attached hereto
23 as **Exhibit 1**.

24 18. The Sparkle Cross Design was created by Sweet People in 2008 and
25 has been in continuous use on jeanswear products since at least as early as October
26 27, 2008. Sweet People owns all right, title and interest to the Sparkle Cross Design
27 Copyright, which constitutes original and copyrightable subject matter under the
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1 U.S. Copyright Act.

2 19. Sweet People has duly complied with all relevant requirements of the
3 U.S. Copyright Act with respect to the Sparkle Cross Design Copyright.

4 **Sweet People's Beaded Cross Design Copyright**

5 20. Sweet People owns U.S. Copyright Registration No. VA-2-384-862,
6 effective as of February 29, 2024, for its Beaded Cross Design (the "Beaded Cross
7 Design Copyright"). A copy of the registration certificate for Sweet People's
8 Beaded Cross Design Copyright along with an image of the Beaded Cross Design as
9 used by Sweet People on its MISS ME line of jeanswear products is attached hereto
10 as **Exhibit 2**.

11 21. The Beaded Cross Design was created by Sweet People in 2013 and
12 has been in continuous use on jeanswear products since at least as early as August
13 18, 2014. Sweet People owns all right, title and interest to the Beaded Cross Design
14 Copyright, which constitutes original and copyrightable subject matter under the
15 U.S. Copyright Act.

16 22. Sweet People has duly complied with all relevant requirements of the
17 U.S. Copyright Act with respect to the Beaded Cross Design Copyright.

18 **Sweet People's Feathered Dreamcatcher Design Copyright**

19 23. Sweet People owns U.S. Copyright Registration No. VA-2-384-865,
20 effective as of February 29, 2024, for its Feathered Dreamcatcher Design (the
21 "Feathered Dreamcatcher Design Copyright"). A copy of the registration certificate
22 for Sweet People's Feathered Dreamcatcher Design Copyright along with a
23 photograph of the Feathered Dreamcatcher Design as used by Sweet People on its
24 MISS ME line of jeanswear products is attached hereto as **Exhibit 3**.

25 24. The Feathered Dreamcatcher Design was created by Sweet People in
26 2021 and has been in continuous use on jeanswear products since at least as early as
27 November 4, 2021. Sweet People owns all right, title and interest to the Feathered
28 Dreamcatcher Design Copyright, which constitutes original and copyrightable

1 subject matter under the U.S. Copyright Act.

2 25. Sweet People has duly complied with all relevant requirements of the
3 U.S. Copyright Act with respect to the Feathered Dreamcatcher Design Copyright.

4 **Sweet People's Cross Roads Diamond Design Copyright**

5 26. Sweet People owns U.S. Copyright Registration No. VA-2-384-805,
6 effective as of February 29, 2024, for its Cross Roads Diamond Design (the "Cross
7 Roads Diamond Design Copyright"). A copy of the registration certificate for
8 Sweet People's Cross Roads Diamond Design Copyright along with an image of the
9 Cross Roads Diamond Design as used by Sweet People on its MISS ME line of
10 jeanswear products is attached hereto as **Exhibit 4**.

11 27. The Cross Roads Diamond Design was created by Sweet People in
12 2020 and has been in continuous use on jeanswear products since at least as early as
13 January 13, 2021. Sweet People owns all right, title and interest to the Cross Roads
14 Diamond Design Copyright, which constitutes original and copyrightable subject
15 matter under the U.S. Copyright Act.

16 28. Sweet People has duly complied with all relevant requirements of the
17 U.S. Copyright Act with respect to the Cross Roads Diamond Design Copyright.

18 **Sweet People's Feathered Sequins Design Copyright**

19 29. Sweet People owns U.S. Copyright Registration No. VA-2-384-867,
20 effective as of February 29, 2024, for its Feathered Sequins Design (the "Feathered
21 Sequins Design Copyright"). A copy of the registration certificate for Sweet
22 People's Feathered Sequins Design Copyright along with an image of the Feathered
23 Sequins Design as used by Sweet People on its MISS ME line of jeanswear products
24 is attached hereto as **Exhibit 5**.

25 30. The Feathered Sequins Design was created by Sweet People in 2017
26 and has been in continuous use on jeanswear products since at least as early as
27 January 12, 2018. Sweet People owns all right, title and interest to the Feathered
28 Sequins Design Copyright, which constitutes original and copyrightable subject

1 matter under the U.S. Copyright Act.

2 31. Sweet People has duly complied with all relevant requirements of the
3 U.S. Copyright Act with respect to the Feathered Sequins Design Copyright.

4 **Sweet People's Wingspan Design Copyright**

5 32. Sweet People owns U.S. Copyright Registration No. 1-807-378,
6 effective as of December 30, 2011, for its Wingspan Design (the "Wingspan Design
7 Copyright"). A copy of the registration certificate for Sweet People's Wingspan
8 Design Copyright along with an image of the Wingspan design as used by Sweet
9 People on its MISS ME line of jeanswear products is attached hereto as **Exhibit 6**.

10 33. The Wingspan Design was created by Sweet People in 2010 and has
11 been in continuous use on jeanswear products since at least as early as April 12,
12 2011. Sweet People owns all right, title and interest to the Wingspan Design
13 Copyright, which constitutes original and copyrightable subject matter under the
14 U.S. Copyright Act.

15 34. Sweet People has duly complied with all relevant requirements of the
16 U.S. Copyright Act with respect to the Wingspan Design Copyright.

17 **Sweet People's Feathered Embroidery Design Copyright**

18 35. Sweet People owns U.S. Copyright Registration No. VA-2-384-806,
19 effective as of February 29, 2024, for its Feathered Embroidery Design (the
20 "Feathered Embroidery Design Copyright"). A copy of the registration certificate
21 for Sweet People's Feathered Embroidery Design Copyright along with an image of
22 the Feathered Embroidery Design as used by Sweet People on its MISS ME line of
23 jeanswear products is attached hereto as **Exhibit 7**.

24 36. The Feathered Embroidery Design was created by Sweet People in
25 2018 and has been in continuous use on jeanswear products since at least as early as
26 January 12, 2019. Sweet People owns all right, title and interest to the Feathered
27 Embroidery Design Copyright, which constitutes original and copyrightable subject
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1 matter under the U.S. Copyright Act.

2 37. Sweet People has duly complied with all relevant requirements of the
3 U.S. Copyright Act with respect to the Feathered Embroidery Design Copyright.

4 38. The foregoing copyrighted designs shall hereinafter be referred to
5 collectively as the “Sweet People Copyrighted Designs.”

6 **D. Sweet People’s Trademark and Trade Dress Horseshoe Design**

7 39. Sweet People also owns unregistered trademark and trade dress rights
8 in the unique and innovative embellished horseshoe designs that it uses on and in
9 connection with its MISS ME brand of jeanswear products (the “Embellished
10 Horseshoe Design”). Sweet People first created the Embellished Horseshoe Design
11 in 2010 and has been in continuous and exclusive use on jeanswear products since at
12 least as early as 2011.

13 40. Sweet People’s trademark and trade dress Embellished Horseshoe
14 Design consists of the following elements:

- 15 (a) ornately embellished back pockets;
16 (b) horseshoe design element set in “western” style themes; and
17 (c) fashioned with thick or colorful stitching.

18 41. The Embellished Horseshoe Design is not functional. The various
19 design elements, while serving to create a unique and distinct appearance that is
20 both visually appealing and source-identifying, are not essential to the use or
21 purpose of the jeans, do not affect the cost or quality of the jeans, and place no
22 competitors at a significant non-reputation related disadvantage.

23 42. As a result of Sweet People’s uninterrupted and continuing use,
24 promotion and sale of its jeanswear products bearing the unique and innovative
25 Embellished Horseshoe Design, and the widespread editorial coverage of such
26 products, the Embellished Horseshoe Design has developed a strong secondary
27 meaning among consumers and the trade. Accordingly, the MISS ME Embellished
28 Horseshoe Design immediately identifies Sweet People as the exclusive source of

1 products bearing the uniquely identifiable designs, and signifies goodwill of
2 substantial value. The images of the Embellished Horseshoe Design stitched on the
3 back pocket of several MISS ME jeanswear styles are below:



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13 43. The Embellished Horseshoe Design, at the time of its introduction,
14 were unique to Sweet People. Further, given its innovative design characteristics,
15 the Embellished Horseshoe Design is inherently distinctive and immediately
16 associated with MISS ME brand jeans and Sweet People.

17 44. Since its introduction, Sweet People has made exclusive and
18 continuous use of the Embellished Horseshoe Design on a broad array of MISS ME
19 apparel. Presently, Sweet People products bearing the Embellished Horseshoe
20 Design is distributed and sold in over 1,375 stores worldwide, including retailers
21 such as Macy's, Boot Barn, Dillard's, Cavender's, and The Buckle. In addition,
22 products bearing the Embellished Horseshoe Design are available for sale on-line at
23 Sweet People's MISS ME brand official website (www.missme.com), and through
24 websites affiliated with Sweet People's authorized retail department stores. MISS
25 ME brand products bearing the Horseshoe Design Trademark retail for
26 approximately \$150.

27 45. In the United States, retail sales of products bearing the Embellished
28 Horseshoe Design have been increasing. Indeed, from their introduction in 2011

1 through 2023, wholesale sales of jeanswear products bearing the Embellished
2 Horseshoe Design have exceeded \$10 million.

3 46. Furthermore, Sweet People has expended substantial amounts of money
4 promoting the Embellished Horseshoe Design as a source indicator for its goods. In
5 particular, over approximately the last five years, photographs of jeanswear
6 featuring the Embellished Horseshoe Design have appeared prominently in the
7 following magazines: *Lucky*, *Elle*, *Harpers Bazaar*, *Nylon*, *Teen Vogue*, *Glitter* and
8 *944*. In addition, the Embellished Horseshoe Design has enjoyed unsolicited media
9 coverage in leading mainstream and fashion publications in the United States.

10 47. The Embellished Horseshoe Design is an inherently distinctive design.
11 Furthermore, as a result of Sweet People's uninterrupted and continuing promotion
12 and sale of jeanswear products bearing the Embellished Horseshoe Design, and the
13 widespread editorial coverage of such products, the Embellished Horseshoe Design
14 has acquired distinctiveness, and has developed a strong secondary meaning among
15 consumers and the trade. As a result, these designs identify Sweet People as the
16 exclusive source of products that bear them, and signify goodwill of substantial
17 value.

18 48. The Sweet People Copyright Designs and the trademark and trade dress
19 Embellished Horseshoe Design shall hereinafter be referred to collectively as the
20 "Sweet People Protected Designs."

21 **F. Defendant's Infringing Conduct**

22 49. Grace in LA is engaged in the business of designing, manufacturing,
23 importing, exporting, distributing, supplying, advertising, promoting, offering for
24 sale and selling apparel products, including jeanswear products, under the Grace in
25 LA brand name.

26 50. Grace in LA is creating, designing, manufacturing, importing,
27 exporting, distributing, supplying, advertising, promoting, offering for sale and/or
28 selling, and/or are causing to be designed, manufactured, imported, distributed,

1 advertised, promoted, offered for sale and/or sold—without authorization or license
 2 from Plaintiff—jeanswear products bearing designs that are studied imitations of the
 3 Sweet People Protected Designs (the “Sweet People Infringing Designs”).

4 51. A comparison of the Sweet People Infringing Designs used by Grace in
 5 LA on its jeanswear products which is a studied imitation of the Sweet People
 6 Copyright Designs is set forth here:

Sweet People Copyright Designs	Grace in LA’s Sweet People Infringing Designs
 <p data-bbox="483 1224 846 1262">Reg. No. VA 1-716-852</p>	
 <p data-bbox="483 1793 846 1831">Reg. No. VA-2-384-862</p>	

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Reg No. VA-2-384-865



Reg. No. VA-2-384-805

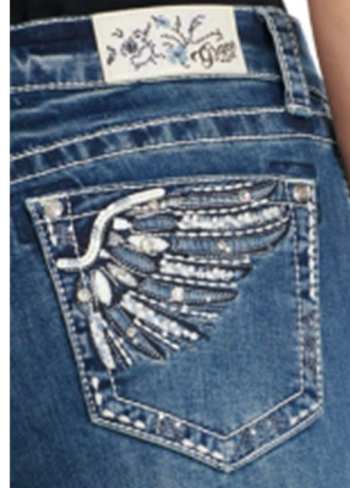


Reg. No. VA-2-384-867





Reg. No. VA-1-807-378



Reg. No. VA-2-384-806



52. A comparison of the Sweet People Infringing Designs used by Grace in LA on its jeanswear products which is a studied imitation of the Sweet People trademark and trade dress Embellished Horseshoe Design is set forth here:

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Sweet People's Trademark and Trade Dress Embellished Horseshoe Design



Grace in LA's Sweet People Infringing Designs



53. Rather than going to the effort and expense of developing and creating its own unique, source-identifying designs, Grace in LA has deliberately and knowingly replicated the Sweet People Protected Designs. As a result, Grace in LA's jeanswear products bearing the Sweet People Infringing Designs are likely to cause consumers, either at the point-of-sale or post-sale, to believe that products bearing the Sweet People Infringing Designs are authorized, sponsored, approved, endorsed or licensed by Plaintiff, or are in some other way affiliated, associated, or connected with Plaintiffs.

54. Defendant was aware of the fact that the Sweet People Protected

1 Designs and were Plaintiff's well-known designs at the time it began using the
2 Sweet People Infringing Designs on its jeanswear products. Accordingly, Grace in
3 LA has been engaging in the above-described unlawful activities knowingly and
4 intentionally, and/or with reckless disregard for Plaintiff's rights in the Sweet People
5 Protected Designs.

6 55. Grace in LA is designing, manufacturing, importing, distributing,
7 advertising, promoting, offering for sale and/or selling, and/or is causing to be
8 designed, manufactured, imported, distributed, advertised, promoted, offered for
9 sale and/or sold, without authorization or license, products bearing the Sweet People
10 Infringing Designs at prices below the retail prices at which Plaintiff's products
11 bearing such identifying marks and designs are sold.

12 56. Defendant intends to continue to design, manufacture, import,
13 distribute, advertise, promote, offer for sale and/or sell products bearing the Sweet
14 People Infringing Designs, unless otherwise restrained by this Court.

15 57. Unless Defendant's conduct is enjoined, such conduct will severely
16 inhibit and/or destroy the ability of the Sweet People Protected Designs to identify
17 Sweet People as the exclusive source of goods to which they are affixed.

18 **FIRST CLAIM FOR RELIEF**

19 ***(Plaintiff against Defendant and DOES 1-10)***

20 **(Copyright Infringement (17 U.S.C. § 501))**

21 58. Plaintiff repeats and re-alleges each and every foregoing and
22 subsequent allegation contained in the complaint, and further alleges as follows:

23 59. Sweet People is the owner of a U.S. copyright registration for the
24 Sparkle Cross Design Copyright, which registration is in full force and effect. A
25 copy of the registration certificate is attached hereto as **Exhibit 1**.

26 60. Defendant, without authorization from Sweet People, and after Sweet
27 People created and first used the Sparkle Cross Design Copyright on its jeanswear
28 products, has distributed, advertised, promoted, sold and offered for sale jeanswear

1 products incorporating designs that were copied from, and are substantially similar
2 in overall appearance to Sweet People's Sparkle Cross Design Copyright.

3 61. Defendant thereby has willfully infringed and, upon information and
4 belief, is continuing to willfully infringe on the Sparkle Cross Design Copyright.

5 62. Upon information and belief, by its acts, Defendant has made and will
6 make substantial profits and gains to which it is not in law or in equity entitled.

7 63. Upon information and belief, Defendant intends to continue its willful
8 conduct, and will continue to willfully infringe on the Sparkle Cross Design
9 Copyright, and to act in bad faith, unless restrained by this Court.

10 64. Defendant's acts have damaged and will continue to irreparably
11 damage Sweet People, and Sweet People has no adequate remedy at law.

12 **SECOND CLAIM FOR RELIEF**

13 ***(Plaintiff against Defendant and DOES 1-10)***

14 **(Copyright Infringement (17 U.S.C. § 501))**

15 65. Plaintiff repeats and re-alleges each and every foregoing and
16 subsequent allegation contained in the complaint, and further alleges as follows:

17 66. Sweet People is the owner of a U.S. copyright registration for the
18 Beaded Cross Design Copyright, which registration is in full force and effect. A
19 copy of the registration certificate is attached hereto as **Exhibit 2**.

20 67. Defendant, without authorization from Sweet People, and after Sweet
21 People created and first used the Beaded Cross Design Copyright on its jeanswear
22 products, has distributed, advertised, promoted, sold and offered for sale jeanswear
23 products incorporating designs that were copied from and are substantially similar in
24 overall appearance to Sweet People's Beaded Cross Design Copyright.

25 68. Defendant thereby has willfully infringed and, upon information and
26 belief, is continuing to willfully infringe on the Beaded Cross Design Copyright.

27 69. Upon information and belief, by its acts, Defendant has made and will
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1 make substantial profits and gains to which it is not in law or in equity entitled.

2 70. Upon information and belief, Defendant intends to continue its willful
3 conduct, and will continue to willfully infringe on the Beaded Cross Design
4 Copyright, and to act in bad faith, unless restrained by this Court.

5 71. Defendant's acts have damaged and will continue to irreparably
6 damage Sweet People, and Sweet People has no adequate remedy at law.

7 **THIRD CLAIM FOR RELIEF**

8 ***(Plaintiff against Defendant and DOES 1-10)***

9 **(Copyright Infringement (17 U.S.C. § 501))**

10 72. Plaintiff repeats and re-alleges each and every foregoing and
11 subsequent allegation contained in the complaint, and further alleges as follows:

12 73. Sweet People is the owner of a U.S. copyright registration for the
13 Feathered Dreamcatcher Design Copyright, which registration is in full force and
14 effect. A copy of the registration certificate is attached hereto as **Exhibit 3**.

15 74. Defendant, without authorization from Sweet People, and after Sweet
16 People created and first used the Feathered Dreamcatcher Design Copyright on its
17 jeanswear products, has distributed, advertised, promoted, sold and offered for sale
18 jeanswear products incorporating designs that were copied from and are
19 substantially similar in overall appearance to Sweet People's Feathered
20 Dreamcatcher Design Copyright.

21 75. Defendant thereby has willfully infringed and, upon information and
22 belief, is continuing to willfully infringe on the Feathered Dreamcatcher Design
23 Copyright.

24 76. Upon information and belief, by its acts, Defendant has made and will
25 make substantial profits and gains to which it is not in law or in equity entitled.

26 77. Upon information and belief, Defendant intends to continue its willful
27 conduct, and will continue to willfully infringe on the Feathered Dreamcatcher
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1 Design Copyright, and to act in bad faith, unless restrained by this Court.

2 78. Defendant's acts have damaged and will continue to irreparably
3 damage Sweet People, and Sweet People has no adequate remedy at law.

4 **FOURTH CLAIM FOR RELIEF**

5 ***(Plaintiff against Defendant and DOES 1-10)***

6 **(Copyright Infringement (17 U.S.C. § 501))**

7 79. Plaintiff repeats and re-alleges each and every foregoing and
8 subsequent allegation contained in the complaint, and further alleges as follows:

9 80. Sweet People is the owner of a U.S. copyright registration for the Cross
10 Roads Diamond Design Copyright, which registration is in full force and effect. A
11 copy of the registration certificate is attached hereto as **Exhibit 4**.

12 81. Defendant, without authorization from Sweet People, and after Sweet
13 People created and first used the Cross Roads Diamond Design Copyright on its
14 jeanswear products, has distributed, advertised, promoted, sold and offered for sale
15 jeanswear products incorporating designs that were copied from and are
16 substantially similar in overall appearance to Sweet People's Cross Roads Diamond
17 Design Copyright.

18 82. Defendant thereby has willfully infringed and, upon information and
19 belief, is continuing to willfully infringe on the Cross Roads Diamond Design
20 Copyright.

21 83. Upon information and belief, by its acts, Defendant has made and will
22 make substantial profits and gains to which it is not in law or in equity entitled.

23 84. Upon information and belief, Defendant intends to continue its willful
24 conduct, and will continue to willfully infringe on the Cross Roads Diamond Design
25 Copyright, and to act in bad faith, unless restrained by this Court.

26 85. Defendant's acts have damaged and will continue to irreparably
27 damage Sweet People, and Sweet People has no adequate remedy at law.

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FIFTH CLAIM FOR RELIEF

(Plaintiff against Defendant and DOES 1-10)

(Copyright Infringement (17 U.S.C. § 501))

86. Plaintiff repeats and re-alleges each and every foregoing and subsequent allegation contained in the complaint, and further alleges as follows:

87. Sweet People is the owner of a U.S. copyright registration for the Feathered Sequins Design Copyright, which registration is in full force and effect. A copy of the registration certificate is attached hereto as **Exhibit 5**.

88. Defendant, without authorization from Sweet People, and after Sweet People created and first used the Feathered Sequins Design Copyright on its jeanswear products, has distributed, advertised, promoted, sold and offered for sale jeanswear products incorporating designs that were copied from and are substantially similar in overall appearance to Sweet People's Feathered Sequins Design Copyright.

89. Defendant thereby has willfully infringed and, upon information and belief, is continuing to willfully infringe on the Feathered Sequins Design Copyright.

90. Upon information and belief, by its acts, Defendant has made and will make substantial profits and gains to which it is not in law or in equity entitled.

91. Upon information and belief, Defendant intends to continue its willful conduct, and will continue to willfully infringe on the Feathered Sequins Design Copyright, and to act in bad faith, unless restrained by this Court.

92. Defendant's acts have damaged and will continue to irreparably damage Sweet People, and Sweet People has no adequate remedy at law.

SIXTH CLAIM FOR RELIEF

(Plaintiff against Defendant and DOES 1-10)

(Copyright Infringement (17 U.S.C. § 501))

93. Plaintiff repeats and re-alleges each and every foregoing and

1 subsequent allegation contained in the complaint, and further alleges as follows:

2 94. Sweet People is the owner of a U.S. copyright registration for the
3 Wingspan Design Copyright, which registration is in full force and effect. A copy
4 of the registration certificate is attached hereto as **Exhibit 6**.

5 95. Defendant, without authorization from Sweet People, and after Sweet
6 People created and first used the Wingspan Design Copyright on its jeanswear
7 products, has distributed, advertised, promoted, sold and offered for sale jeanswear
8 products incorporating designs that were copied from and are substantially similar in
9 overall appearance to Sweet People's Wingspan Design Copyright.

10 96. Defendant thereby has willfully infringed and, upon information and
11 belief, is continuing to willfully infringe on the Wingspan Design Copyright.

12 97. Upon information and belief, by its acts, Defendant has made and will
13 make substantial profits and gains to which it is not in law or in equity entitled.

14 98. Upon information and belief, Defendant intends to continue its willful
15 conduct, and will continue to willfully infringe on the Wingspan Design Copyright,
16 and to act in bad faith, unless restrained by this Court.

17 99. Defendant's acts have damaged and will continue to irreparably
18 damage Sweet People, and Sweet People has no adequate remedy at law.

19 **SEVENTH CLAIM FOR RELIEF**

20 ***(Plaintiff against Defendant and DOES 1-10)***

21 **(Copyright Infringement (17 U.S.C. § 501))**

22 100. Plaintiff repeats and re-alleges each and every foregoing and
23 subsequent allegation contained in the complaint, and further alleges as follows:

24 101. Sweet People is the owner of a U.S. copyright registration for the
25 Feathered Embroidery Design Copyright, which registration is in full force and
26 effect. A copy of the registration certificate is attached hereto as **Exhibit 7**.

27 102. Defendant, without authorization from Sweet People, and after Sweet
28 People created and first used the Feathered Embroidery Design Copyright on its

1 jeanswear products, has distributed, advertised, promoted, sold and offered for sale
2 jeanswear products incorporating designs that were copied from and are
3 substantially similar in overall appearance to Sweet People's Feathered Embroidery
4 Design Copyright.

5 103. Defendant thereby has willfully infringed and, upon information and
6 belief, is continuing to willfully infringe on the Feathered Embroidery Design
7 Copyright.

8 104. Upon information and belief, by its acts, Defendant has made and will
9 make substantial profits and gains to which it is not in law or in equity entitled.

10 105. Upon information and belief, Defendant intends to continue its willful
11 conduct, and will continue to willfully infringe on the Feathered Embroidery Design
12 Copyright, and to act in bad faith, unless restrained by this Court.

13 106. Defendant's acts have damaged and will continue to irreparably
14 damage Sweet People, and Sweet People has no adequate remedy at law.

15 **EIGHTH CLAIM FOR RELIEF**

16 ***(Plaintiff against Defendant and DOES 1-10)***

17 **(Trademark Infringement & Counterfeiting (15 U.S.C. §§ 1114 and 1125(a)))**

18 107. Plaintiff repeats and re-alleges each and every foregoing and
19 subsequent allegation contained in the complaint, and further alleges as follows:

20 108. Sweet People's trademark Embellished Horseshoe Design stitched on
21 the back pocket of its jeanswear is a unique and innovative design that immediately
22 identifies Sweet People as the exclusive source of products bearing this design.
23 Jeanswear bearing ornately designed back pockets with a horseshoe design set in
24 "western" style themes are recognized by the consuming public as Sweet People's
25 MISS Me brand jeans. Sweet People's trademark Embellished Horseshoe Design
26 has acquired strong secondary meaning in the marketplace and immediately
27 indicates Sweet People as the exclusive source of jeanswear products on which it is
28

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1 used.

2 109. Defendant, without authorization or approval from Sweet People, and
3 after Sweet People created and first used the Embellished Horseshoe Design on its
4 jeanswear products, has designed, manufactured, advertised, promoted, distributed,
5 sold and/or offered for sale jeanswear products which contain a design that is
6 identical and/or confusingly similar to the Embellished Horseshoe Design.

7 110. Defendant's products bearing a design that is identical and/or
8 confusingly similar to the Embellished Horseshoe Design is intended to cause, and
9 is likely to continue to cause confusion, mistake and deception among the general
10 consuming public and the trade as to the source of Defendant's products bearing
11 such infringing design, or as to a possible affiliation, connection or association
12 between Sweet People and Defendant, and/or between Sweet People and the
13 products bearing the infringing design.

14 111. Defendant has acted with knowledge of Sweet People's ownership of
15 the Embellished Horseshoe Design, and with the deliberate intention to unfairly
16 benefit from the goodwill symbolized thereby.

17 112. Defendant's acts constitute willful trademark infringement and
18 counterfeiting in violation of 15 U.S.C. §§ 1114 and 1125(a).

19 **NINTH CLAIM FOR RELIEF**

20 ***(Plaintiff against Defendant and DOES 1-10)***

21 **(Trademark Dilution (15 U.S.C. § 1125(c))**

22 113. Plaintiff repeats and re-alleges each and every foregoing and
23 subsequent allegation contained in the complaint, and further alleges as follows:

24 114. Upon information and belief, by its actions, Defendant intends to
25 continue its infringing conduct, and to willfully infringe Sweet People's
26 Embellished Horseshoe Design trademark, unless restrained by this Court.

27 115. Upon information and belief, by its willful acts, Defendant has made
28 and will continue to make substantial profits and gains to which it is not in law or

1 equity entitled.

2 116. Upon information and belief, Defendant's acts have caused and will
3 continue to cause irreparable harm to Sweet People, and Sweet People has no
4 adequate remedy at law.

5 **TENTH CLAIM FOR RELIEF**

6 ***(Plaintiff against Defendant and DOES 1-10)***

7 **(Trade Dress Infringement (15 U.S.C. § 1125(a))**

8 117. Plaintiff repeats and re-alleges each and every foregoing and
9 subsequent allegation contained in the complaint, and further alleges as follows:

10 118. Defendant manufactures, distributes, offers to sell, and sells to
11 consumers clothing, namely the MISS ME brand jeans bearing the Embellished
12 Horseshoe Design, that infringe Plaintiff's trade dress in violation of § 43(a) of the
13 Lanham Act, 15 U.S.C. 1125(a).

14 119. Plaintiff has actively marketed, promoted and sold continuously jeans
15 with the Embellished Horseshoe Design such that it has acquired secondary
16 meaning within the relevant market and among the public. With its imitation,
17 Defendant has misappropriated the Embellished Horseshoe Design trade dress
18 without authorization from Plaintiff and continues to trade off the goodwill created
19 and maintained by Plaintiff.

20 120. Defendant's conduct is likely to cause confusion, mistake or deception
21 as to the source of its western-style embellished back pocket jeans and its
22 association with Plaintiff and the MISS ME brand. Plaintiff is therefore entitled to
23 injunctive relief under 15 U.S.C. § 1116(a).

24 121. Defendant's use of the Embellished Horseshoe Design trade dress has
25 been and continues to be willful. Plaintiff is therefore entitled to damages pursuant
26 to 15 U.S.C. § 1117(a), including Defendant's profits, Plaintiff's actual damages,
27 and/or the costs of this action, subject to enhancement as appropriate. Plaintiff is
28

1 further entitled to its attorneys' fees and costs because of Defendant's conduct.

2 **ELEVENTH CLAIM FOR RELIEF**

3 ***(Plaintiff against Defendant and DOES 1-10)***

4 **(Trade Dress Dilution (15 U.S.C. § 1125(C))**

5 122. Plaintiff repeats and re-alleges each and every foregoing and
6 subsequent allegation contained in the complaint, and further alleges as follows:

7 123. Sweet People has extensively and continuously promoted and used the
8 Embellished Horseshoe Design trade dress; and the unique and distinctive design
9 has become a prominent, well-known and famous indicator of the origin of Sweet
10 People's MISS ME brand jeans.

11 124. Defendant is making business use in commerce of trade dress that
12 dilutes and is likely to dilute the distinctiveness of the Embellished Horseshoe
13 Design trade dress by eroding the public's exclusive identification of the famous
14 MISS ME jeans with Plaintiff, tarnishing and degrading the positive associations
15 and prestigious connotations of this trade dress, and otherwise lessening the capacity
16 of Plaintiff's trade dress to identify and distinguish such goods.

17 125. Defendant's actions demonstrate an intentional, willful and malicious
18 intent to trade on the goodwill associated with the Sweet Embellished Horseshoe
19 Design trade dress or to cause dilution of the Embellished Horseshoe Design trade
20 dress, to the great and irreparable injury of Plaintiff.

21 126. Defendant has caused and will continue to cause injury to Plaintiff's
22 goodwill and business reputation, and dilution of the distinctiveness and value of the
23 famous and distinctive MISS ME brand jeans in violation of 15 U.S.C. § 1125(c).
24 Plaintiff is therefore entitled to injunctive relief and to Defendant's profits, actual
25 damages, and/or costs, subject to enhancement as appropriate, as well as reasonable
26 attorneys' fees, pursuant to 15 U.S.C. §§ 1125(c), 1116 and 1117.

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TWELFTH CLAIM FOR RELIEF

(Plaintiff against Defendant and DOES 1-10)

(False Designation of Origin (15 U.S.C. § 1125(a)))

127. Plaintiff repeats and re-alleges each and every foregoing and subsequent allegation contained in the complaint, and further alleges as follows:

128. Plaintiff is, and at all relevant times was, the owner of all right, title and interest in MISS ME brand jeans, including the copyright, trademark, and trade dress rights in the MISS ME jeans. Plaintiff has extensively and continuously promoted and used the MISS ME brand jeans trade dress in commerce.

129. The Sweet People Protected Designs signify to consumers that goods bearing the same unique and distinctive design are made by Plaintiff and are of the highest quality. Plaintiff has derived good will and value from this identification, which Plaintiff has furthered through its extensive advertising and promotional efforts.

130. As a consequence of Defendant's use of the Sweet People Protected Designs, the consuming public will no longer recognize and identify Plaintiff as the single source of apparel bearing the Sweet People Protected Designs. Defendant has, as alleged above, sold and is continuing to sell apparel, namely jeans bearing the Sweet People Infringing Designs, which are identical or confusingly similar to the Sweet People Protected Designs. Such conduct constitutes the use of designs tending falsely to describe Defendants' goods, within the meaning of 15 U.S.C. § 1125(a)(1), and is likely to cause confusion, mistake or deception by the public concerning the source of origin as between Defendant's goods and Plaintiff's goods, and/or to cause confusion, mistake or deception as to the affiliation, connection, association, origin, sponsorship or approval of Defendant's goods with or by Plaintiff or, alternatively, that the public will mistakenly believe that Defendant's goods are somehow associated with Plaintiff's goods.

131. Defendant's infringing activities constitute a willful and conscious false

1 designation of origin of the products bearing the Sweet People Infringing Designs,
2 and are likely to cause injury to Plaintiff and the public. Plaintiff is therefore
3 entitled to injunctive relief and to disgorge Defendant's profits, actual damages,
4 and/or costs, subject to enhancement as appropriate, as well as reasonable attorneys'
5 fees, pursuant to 15 U.S.C. §§ 1125(c), 1116 and 1117.

6 **THIRTEENTH CLAIM FOR RELIEF**

7 ***(Plaintiff against Defendant and DOES 1-10)***

8 **(California Trade Dress Dilution (Cal. Bus. & Prof. Code § 14200))**

9 132. Plaintiff repeats and re-alleges each and every foregoing and
10 subsequent allegation contained in the complaint, and further alleges as follows:

11 133. Plaintiff has extensively and continuously promoted and used the
12 Embellished Horseshoe Design trade dress; and the unique and distinctive design
13 has become a prominent, well-known and famous indicator of the origin of Sweet
14 People's MISS ME brand jeans.

15 134. Defendant is making business use in commerce of trade dress that
16 dilutes and is likely to dilute the distinctiveness of Plaintiff's trade dress by eroding
17 the public's exclusive identification of the famous Embellished Horseshoe Design
18 with Plaintiff, tarnishing and degrading the positive associations and prestigious
19 connotations of this trade dress, and otherwise lessening the capacity of Plaintiff's
20 trade dress to identify and distinguish such goods.

21 135. Defendant is causing and will continue to cause irreparable injury to
22 Plaintiff's goodwill and business reputation, and dilution of the distinctiveness and
23 value of the trade dress in violation of California's dilution laws including, without
24 limitation, Cal. Bus. & Prof. Code § 14200.

25 136. Defendant acted with oppression, fraud or malice in carrying out a
26 scheme to trade on Plaintiff's trade dress. Defendant knew that Plaintiff owned and
27 had exclusive rights in the MISS ME brand and Embellished Horseshoe Design.
28 Defendant's actions were taken deliberately and with full awareness of Plaintiff's

1 legal rights.

2 137. Plaintiff is therefore entitled to compensatory damages, injunctive
3 relief, and punitive damages, as well as its reasonable attorneys' fees and costs.

4 **FOURTEENTH CLAIM FOR RELIEF**

5 ***(Plaintiff against Defendant and DOES 1-10)***

6 **(Unfair Competition (Cal. Bus. & Prof. Code § 17200))**

7 138. Plaintiff repeats and re-alleges each and every foregoing and
8 subsequent allegation contained in the complaint, and further alleges as follows:

9 139. Defendant has been and is passing off its goods, including jeanswear
10 bearing the Sweet People Infringing Designs, as those of Plaintiff, causing a
11 likelihood of confusion or of misunderstanding as to the source, sponsorship, or
12 approval of Defendant's products and as to Defendant's affiliation, connection, or
13 association with Plaintiff, and otherwise damaging the public. Defendant's actions,
14 as complained of herein, have been and will continue to be willful and intentional.
15 Defendant's conduct constitutes unfair and deceptive acts or practices in the course
16 of a business, trade or commerce in violation of California Business and Professions
17 Code § 17200.

18 140. Plaintiff has standing to assert this claim under California Business &
19 Professions Code §§ 17200 *et seq.* because its monetary and property interests have
20 been damaged by the aforesaid actions of Defendant. By way of example, Sweet
21 People has lost sales of its jeanswear products due to Defendant's aforesaid conduct,
22 and/or the value of the Sweet People Protected Designs has been diminished by
23 Defendant's actions.

24 141. Defendant acted with oppression, fraud or malice in carrying out a
25 scheme to trade on Plaintiff's trade dress. Defendant knew that Plaintiff owned and
26 had exclusive rights in the MISS ME brand, including as to the Embellished
27 Horseshoe Design. Defendant's actions were taken deliberately and with full
28 awareness of Plaintiff's legal rights.

1 142. Defendant's unauthorized use of Plaintiff's trade dress has caused and
2 is likely to cause substantial and irreparable injury to the public and to Plaintiff, and
3 Plaintiff is entitled to injunctive relief and to recover damages, in the amount of not
4 less than \$5,000,000, as well as punitive damages, attorneys' fees and costs.

5 **PRAYER FOR RELIEF**

6 WHEREFORE, Plaintiff respectfully prays for the following relief:

- 7 (a) Enter judgment in Plaintiff's favor, finding that the Sweet People
8 Copyrighted Designs have been infringed by Defendant in
9 violation of 17 U.S.C. § 501;
- 10 (b) Enter judgment in Plaintiff's favor, finding that Sweet People's
11 Embellished Horseshoe Design trademark has been infringed,
12 counterfeited, and diluted by Defendant in violation of 15 U.S.C.
13 §§ 1114 and 1125(a), (c);
- 14 (c) Enter judgment in Plaintiff's favor, finding that Sweet People's
15 Embellished Horseshoe Design trade dress has been infringed
16 and diluted by Defendant in violation of 15 U.S.C. § 1125(a),
17 (c);
- 18 (d) Enter judgment in Plaintiff's favor, finding that Defendant has
19 engaged in false designation of origin in violation of 15 U.S.C. §
20 1125(a);
- 21 (e) Enter judgment in Plaintiff's favor, finding that the Embellished
22 Horseshoe Design trade dress has been diluted by Defendant in
23 violation of California Business & Professions Code § 14200;
- 24 (f) Enter judgment in Plaintiff's favor, finding that Defendant is has
25 engaged in common law trademark infringement and unfair
26 competition;
- 27 (g) Enter judgment in Plaintiff's favor, finding that Defendant has
28 engaged in unfair competition in violation of Cal. Bus. & Prof.

Code § 17200;

- (h) That Defendant be required to pay compensatory damages of not less than \$5,000,000, including Plaintiff's actual damages or Defendant's profits as shall be determined from an accounting of Defendant's sales pursuant to 15 U.S.C. § 1117(a), subject to enhancement as appropriate;
- (i) For pre-judgment interest according to statute;
- (j) For injunctive relief that requires Defendant to stop selling the infringing combination of the Sweet People Protected Designs, and any other products that infringe Plaintiff's copyright, trademark, or trade dress rights;
- (k) For injunctive relief that prohibits Defendant from manufacturing, marketing or selling jeans, or any other clothing item or accessory that is identical or confusingly similar to the Plaintiff's jeans;
- (l) For punitive damages pursuant to Cal. Civil Code § 3294;
- (m) For Plaintiff's reasonable attorneys' fees and costs; and
- (n) For any further relief that the Court deems just and proper.

DATED: March 20, 2024

MILLER BARONDESS, LLP

By: 

A. SASHA FRID
Attorneys for Plaintiff
SWEET PEOPLE APPAREL, INC., dba
MISS ME